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INTENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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PCT

5 - FEB 2004

TO: <i>ASB</i>	RECKITT BENCKISER
TO: <i>MM 5/21/04</i>	GROUP PATENT WRITTEN OPINION
CASE NUMBER: <i>10992P6 WO</i>	(PCT Rule 66)
DIARY <i>RECEIVED 10/5/04 MM</i>	Date of mailing (day/month/year) <i>03.02.2004</i>
REPLY DUE <i>RECEIVED 10/5/04 MM</i>	within 3 month(s) from the above date of mailing
International filing date (day/month/year) <i>ACKNOWLEDGED 17.03.2003</i>	Priority date (day/month/year) <i>20.04.2002</i>
International Patent Classification (IPC) or both national classification and IPC <i>B65D65/46</i>	
Applicant RECKITT BENCKISER N.V.	

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I Basis of the opinion
 - II Priority
 - III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV Lack of unity of invention
 - V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI Certain documents cited
 - VII Certain defects in the international application
 - VIII Certain observations on the international application
3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4. For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis. For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 20.08.2004

Name and mailing address of the international preliminary examining authority:



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I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-26 as originally filed

Claims, Numbers

1-9 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages:
- the claims, Nos.:
- the drawings, sheets:

5. This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

WRITTEN OPINION

International application No. PCT/GB 03/01153

Novelty (N) Claims 1-3

Inventive step (IS) Claims 4-9

Industrial applicability (IA) Claims

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Documents

Reference is made to the following documents:

D1: US-A-5 786 092
D2: WO 94 02377 A
D3: WO 02 16206 A

2. Examination:

There are 2 independent claims, claim 1 and claim 5.

2.1 Claim 1:

The subject matter of claim 1 is not new in the sense of Article 33(2) PCT for the following reasons:

Document D1 discloses a laminate, which comprises a water soluble substrate and a water insoluble web peelably adhered to the water soluble substrate, see figure 4 and claim 1. When the water insoluble web, forming part of the laminate, is peeled away from the laminate prior to product use, it leaves a water soluble substrate. This forms a water-soluble container.

Moreover, the laminate may be made into packages, pouches bags or other containers by any known means including thermoforming, see column 5, lines 40-44. Any of these containers made by thermoforming comprises at least one compartment. Furthermore, the material for the water soluble substrate can be hydroxy propyl methyl cellulose, see column 3, lines 39.

Thus, Document D1 describes all the technical features of claim 1: a water-soluble container comprising at least one compartment prepared from a thermoformed film of hydroxy propyl methyl cellulose.

Document D2 also describes all the technical features of claim 1, see the passage from page 4, line 32 to page 5, line 7.

Therefore, the subject matter of claim 1 is not new in the sense of Article 33(2) PCT.

2.2 Claims 2-4:

As the technical features of claims 2 and 3 are also known from D1, see column 1, line 41 and column 4, lines 6-8, the subject matter of these claims is not new in the sense of Article 33(2) PCT.

Dependent claim 4 does not contain any features which, in combination with the features of any claim to which it refers, meet the requirements of the PCT in respect of inventive step.

3. Claims 5-9:

3.1 Claim 5:

The solution proposed in claim 5 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

Claim 5 relates to a process for preparing a water-soluble container comprising at least one compartment.

Document D3 discloses a process for producing a water-soluble container which comprises:

- a) forming an open container from a water-soluble film by thermoforming the film to produce a pocket;
- b) filling the container;
- c) sealing the container by placing a second water soluble film on top of the filled pocket and sealing the films together, see claims 1, 4 and 5.

The thermoformed film chosen to form the container can be a film of HPMC, see page 5, lines 15-17.

Document D3, which is considered to represent the most relevant state of the art, discloses a process for producing a water-soluble container from which the subject-matter of claim 5 differs in that the HPMC film is heated to a temperature of 120°C to 140°C, for 1 to 10 seconds.

Thus, the subject-matter of this claim consists in the selection of a heating

temperature associated with a duration during the thermoforming step. Such a selection can only be regarded as inventive, if it presents unexpected effects or properties in relation to the rest of the range. However, no such effects or properties are indicated in the application, see page 4, lines 17-20 and pages 23 and 24. Hence, no inventive step is present in the subject-matter of claim 5.

3.2 Claims 6-9:

Dependent claims 6-9 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step.